

Legislative Analysis



KIDNAPPING: EXPAND ELEMENT OF INTENT TO INCLUDE CERTAIN ACTS AGAINST MINORS

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4021

Sponsor: Rep. George T. Darany

Committee: Criminal Justice

Complete to 11-12-13

A SUMMARY OF HOUSE BILL 4021 AS INTRODUCED 1-22-13

The bill would include knowingly restraining a minor for the purpose of producing child pornography in the list of acts that constitute kidnapping.

Currently, an individual commits the crime of kidnapping if he or she knowingly restrains another with the intent to hold the person for ransom or reward, as a shield or hostage, to commit a criminal sexual conduct offense (e.g., rape), and/or involuntary servitude.

House Bill 4021 would amend the Michigan Penal Code (MCL 750.349) to include the following in the above list:

-- Holding a minor for the purpose of engaging in child sexually abusive activity to produce child sexually abusive material, as those terms are defined in Section 145c of the code.

Kidnapping is a felony punishable by imprisonment for life or any term of years and/or a maximum fine of \$50,000.

"Restrain" is defined in the kidnapping statute as restricting a person's movement or confining the person so as to interfere with that person's liberty without that person's consent or without legal authority. The restraint does not have to exist for any particular length of time and may be related or incidental to the commission of other criminal acts.

(Section 145c defines "child sexually abusive activity" as a child engaging in a listed sexual act. "Child sexually abusive material" means any depiction, whether made or produced by electronic, mechanical, or other means, including a developed or undeveloped photograph, picture, film, slide, video, electronic visual image, computer diskette, computer or computer-generated image, or picture, or sound recording which is of a child or appears to include a child engaging in a listed sexual act; a book, magazine, computer, computer storage device, or other visual or print or printable medium containing such a photograph, picture, film, slide, video, electronic visual image, computer, or computer-generated image, or picture, or sound recording; or any reproduction, copy, or print of such a photograph, picture, film, slide, video, electronic visual image, book, magazine, computer, or computer-generated image, or picture, other visual or print or printable medium, or sound recording.)

FISCAL IMPACT:

To the extent that the bill results in a greater number of convictions, it could increase costs on state and local correctional systems. Information is not available on the number of persons that might be convicted under these provisions. New felony convictions could result in increased costs related to state prisons, county jails, and/or state probation supervision. The average cost of prison incarceration in a state facility is roughly \$35,500 per prisoner per year, a figure that includes various fixed administrative and operational costs. The costs of local incarceration in a county jail vary by jurisdiction. State costs for parole and felony probation supervision average about \$3,000 per supervised offender per year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

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